



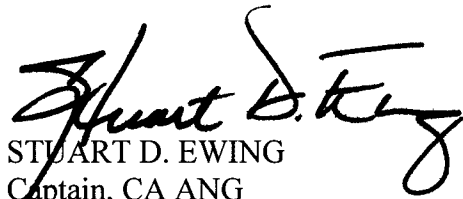
**HUMAN RESOURCES OFFICE
TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION**

Number: 07-31

25 September 2007

**National Security Personnel System (NSPS)
Update – Mandate Issued
American Federation of Government Employees (AFGE) vs. Gates**

1. Attached is a copy of the actual mandate issued by the United States Court of Appeals for the District of Columbia Circuit on 17 September 2007.
2. What does this mean? It means the lower court injunction has been lifted, and the Department of Defense (DoD) is free to implement the D.C. Circuit decision of 18 May 2007.
3. However, no decision has been made yet on next steps regarding NSPS adverse actions, appeals and labor relations. The DoD is carefully considering all relevant facts before any decision is made to implement these portions of NSPS. When and if any decision is made, we will advise you on the decision and any next steps.
4. Although National Guard Bureau implementation of NSPS is currently paused, preparation for NSPS continues including computer based training (*NSPS 101* and *iSuccess*) and in-residence training (*NSPS HR Elements* and *NSPS Performance Management*). The issuance of the court mandate is another step ahead.
5. Questions may be directed to CMSgt Michael Hunt, at CAGNET 63412, DSN 466-3412, or (916) 854-3412.


STUART D. EWING
Captain, CA ANG
Deputy Director for Human Resources

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

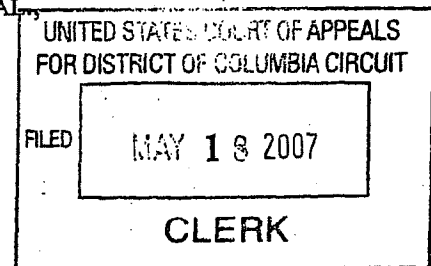
No. 06-5113

September Term, 2006

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, ET AL.,
APPELLEES

v.

ROBERT M. GATES,
SECRETARY OF DEFENSE, IN HIS OFFICIAL CAPACITY AND
LINDA M. SPRINGER, DIRECTOR, IN HER OFFICIAL CAPACITY,
APPELLANTS



Appeal from the United States District Court
for the District of Columbia
(No. 05cv02183)

Before: TATEL and KAVANAUGH, *Circuit Judges*, and WILLIAMS, *Senior Circuit Judge*.

JUDGMENT

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that the judgment of the District Court appealed from in this cause is hereby reversed, and the DoD regulations at issue in this appeal upheld, in accordance with the opinion of the court filed herein this date.

Per Curiam

MANDATE	
<small>Pursuant to the provisions of Fed. R. App. Pro. 41(a)</small>	
ISSUED:	9/17/07
BY:	<i>[Signature]</i> Deputy Clerk
ATTACHED:	<input type="checkbox"/> Amending Order <input type="checkbox"/> Opinion <input type="checkbox"/> Order on Costs

FOR THE COURT:
Mark J. Langer, Clerk

BY:

[Signature]
Michael C. McGrail
Deputy Clerk

Date: May 18, 2007

Opinion for the court filed by Circuit Judge Kavanaugh.
Opinion dissenting in part filed by Circuit Judge Tatel.